

## United States Department of Agriculture

### SERVICE AND REGULATORY ANNOUNCEMENTS

#### BUREAU OF CHEMISTRY

#### SUPPLEMENT

N. J. 12601-12650

[Approved by the Secretary of Agriculture, Washington, D. C., January 31, 1925]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**12601. Adulteration of chocolate concentrate. U. S. v. 2 Gallons of Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction or sale.** (F. & D. No. 18616. I. S. No. 12986-v. S. No. E-4814.)

On April 23, 1924, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 gallons of chocolate concentrate, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Jack Beverages (Inc.), New York, N. Y., on or about April 5, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Real Chocolate Concentrate \* \* \* Jack Beverages, Inc. \* \* \* New York City."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On June 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, or sold, if such sale could be speedily effected.

HOWARD M. GORE, *Secretary of Agriculture.*

**12602. Adulteration and misbranding of butter. U. S. v. 40 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed.** (F. & D. No. 18952. I. S. No. 19025-v. S. No. C-4462.)

On or about August 16, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 boxes, each containing 50 one-pound prints of butter, at Chicago, Ill., alleging that the article had been shipped by the D. E. Wood Butter Co., from Evansville, Wis., August 11, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "One Pound Net."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substi-

tuted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the prints were labeled, "One Pound Net," whereas they were less than 1 pound net.

During the month of August, 1924, the D. E. Wood Butter Co., Evansville, Wis., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

**12603. Adulteration and misbranding of ground barley feed. U. S. v. Schreiber Milling & Grain Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 16955. I. S. No. 13651-t.)**

On April 5, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schreiber Milling & Grain Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about September 2, 1921, from the State of Minnesota into the State of Indiana, of a quantity of ground barley feed which was adulterated and misbranded. The article was labeled in part: (Tags) "Fancy Ground Barley Feed Ingredients: Whole Barley and Screenings \* \* \* Manufactured by Schreiber Milling & Grain Co. Minneapolis, Minn.;" "Schreiber Milling & Grain Company, of Minneapolis, Minn., Guarantees this Fancy Ground Feed Barley and Screenings to contain not less than \* \* \* 13.0 per cent of crude protein, not more than 8.5 per cent of crude fiber."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 12.08 per cent of protein and 14.04 per cent of crude fiber. Examination by said bureau showed that the product was ground barley feed with ground screenings.

Adulteration of the article was alleged in the libel for the reason that a mixture of barley feed and ground barley screenings had been substituted for fine ground feed barley and fancy ground feed barley and screenings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Schreiber Milling & Grain Company, of Minneapolis, Minn., Guarantees this Fancy Ground Feed Barley and Screenings to contain not less than \* \* \* 13.0 per cent of crude protein, not more than 8.5 per cent of crude fiber," borne on the tag attached to the sacks containing the article, was false and misleading in that the said statement represented that the article consisted wholly of fancy ground feed barley and screenings and contained not less than 13 per cent of crude protein and not more than 8.5 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of fancy ground feed barley and screenings and contained not less than 13 per cent of crude protein and not more than 8.5 per cent of crude fiber, whereas, in truth and in fact, it did not consist wholly of fancy ground feed barley and screenings, but did consist of a mixture of barley feed and ground barley screenings, and it did contain less than 13 per cent of crude protein and more than 8.5 per cent of crude fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 5, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

**12604. Adulteration and misbranding of canned oysters. U. S. v. 11 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16717. I. S. No. 9501-v. S. No. C-2923.)**

On August 8, 1922, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 cases of oysters, remaining in the original unbroken packages at Harriman, Tenn., alleging that the article had been shipped by